

REMARKS

Applicant has amended claims 15-17 and respectfully requests reconsideration.

Applicant respectfully disagrees with the Examiner's assertion that Henry discloses a "wireless interoffice facility for carrying all types of traffic normally carried by the PSTN" as recited in the present claims. Henry is directed to a power conservation arrangement for a cellular telephone system. Henry is not concerned with and, unlike the present invention, does not address the problem of a lack of bandwidth or a lack of less expensive bandwidth in particular portions of the PSTN.

The only microwave link disclosed by Henry is microwave link 108 (Fig. 1) which Henry expressly teaches is an "IS-41 communications link" (col. 4, lines 9-10) or an "IS-41 link" (col. 5, lines 3 and 7). IS-41 is an interim standard which defines a set of messages and procedures for implementing inter-system handoff and automatic roaming procedures and, in later versions, enhanced services (e.g., call waiting, call forwarding) for cellular telephone systems. *See, e.g.,* <http://www.cdg.org/technology/roaming/Technology/ss7.asp>. Accordingly, the "IS-41 link" disclosed in Henry is used to carry control messages for handling cellular telephone calls, not the calls themselves and not other traffic normally carried by the PSTN. Also, the mobile telephone switching offices 107 (Fig. 1) are owned or controlled by a cellular carrier and do not constitute "central offices, tandem switches or other premises controlled by an incumbent local exchange carrier (ILEC)" as recited in Applicant's claims.

Turning now to Cantwell, Applicant respectfully disagrees with the Examiner's assertion that Cantwell provides the claim elements which Henry lacks. First, Cantwell is not concerned with and does not address the problem solved by the present invention.

Cantwell is focused on the problem of receiving and switching telecommunications signals having different transmission rates and signal formats. *See* col. 1, l. 60 – col. 2, l.

15. The only mention in Cantwell of microwave communication is the following:

The transmission paths used by interoffice trunks 18 may include any of a variety of transmission technologies such as satellite systems, microwave systems, coaxial systems and fiber optic systems.

Col. 4, lines 7-11 and Fig. 1.

Cantwell's interoffice trunks 18 are part of the PSTN and **do not** form a microwave network that overlays the PSTN, much less a microwave network that overlays the PSTN and carries all types of traffic normally carried by the PSTN, as recited in Applicant's claims.

Applicant agrees with the Examiner's observation that Henry and Cantwell **do not** mention a capability of "providing redundancy with respect to a failure of said wireline portion of said PSTN" as recited in Applicant's claims. *See* Office Action at p. 3.

Tamil (U.S. Patent 6,169,910) fails to provide the necessary teaching to fill the gaps of Henry and Cantwell. Like Henry and Cantwell, Tamil is not concerned with and does not address the problem of insufficient wireline bandwidth in the PSTN. On the contrary, Tamil is primarily directed to a "dielectric material lens" which may be used to

transmit or receive RF or microwave signals. While Tamil discusses several possible applications for his system (*see* col. 11, l. 34 – col. 13, l. 26), there is no disclosure or suggestion of using his system as an “alternative communication path to the PSTN” as recited in Applicant’s claims as amended.

In addition, in the specific application cited by the Examiner (col. 13, l. 18-32), Tamil states that his system could replace, with cost savings, **existing** microwave antennas and radios used previously in cellular systems. Simply replacing one type of microwave system with another within a cellular system does not provide “redundancy with respect to a failure of said wireline portion of said PSTN,” “wireless bandwidth more cost effectively than wireline bandwidth offered by said ILEC” nor “service which is complementary to service provided by said wireline portion of said PSTN” as claimed.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

/Michael E. Attaya/
Michael E. Attaya
Reg. No. 31,731
CESARI and McKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210
Telephone: (617) 951-2500
Facsimile: (617) 951-3927